

## REMARKS

### Allowable Claims

The Examiner has indicated allowability of claims 14-20.

The Examiner stated that the newly cited art to Yan (U.S. 6,641,959) does not teach the use of a specific phase shifting layer.

Applicant called the Examiner on Thursday, June 8, 2006 and left a message regarding this case.

The Examiner called the Applicant back on the same day and confirmed that claims 14-20 are allowed.

### Claim Rejections 35 U.S.C. § 102 (e)

The Examiner has rejected claims 1-13 under 35 U.S.C. §102 (e) as being clearly anticipated by Yan (U.S. 6,641,959).

Applicant respectfully disagrees with the Examiner.

However, Applicant has cancelled claims 1-13 without prejudice.

Applicant will file a Continuation Application claiming priority to this case.

### Conclusion

The Examiner has indicated that claims 14-20 are allowed.

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Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby requests and authorizes the U.S. Patent and Trademark Office to treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time.

Should there be any additional charge or fee, including a Request for Continued Examination, an extension of time fee, or other fees under 37 C.F.R. 1.16 and 1.17, please charge Deposit Account No. 50-0221.

If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 720-8300.

Respectfully submitted,  
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Dated: June 8, 2006

  
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